

REMARKS

Applicants' undersigned counsel thanks the Examiner for the careful consideration given the application, and for the personal interview conducted on January 28, 2004.

Claims 17-29 and 33-36 remain in this application. Claims 1-16, 29, and 31-32 have been canceled, and claims 22-28 and 30 previously withdrawn. New claims 37-53 have been added without adding any new matter.

Claim 34 has been rejected under 35 USC §112, first paragraph. The spring 47 of Fig. 5 is elastic and forms part of the clamping device. Therefore, claim 34 (and 19) complies with §112.

Claims 17-21, 29, and 33-36 have been rejected under 35 USC §112, second paragraph. The amended claims meet the requirements of §112.

Claims 17-21, 29, and 33-36 have been rejected under 35 USC §112, first paragraph. The amended claims meet the requirements of §112.

Claims 17-21 have been rejected as being anticipated by any of Taylor, Cornic, or Butler. None of the cited references teach a container with plural compartments with each compartment having an immobilization device, as recited in amended claim 17.

Claims 17-21 have been rejected as being obvious over Cornic or Butler in view of Taylor. None of the cited references, alone or in combination, teach plural compartments each having a clamp as recited in claim 17.

Claims 17-20 have been rejected as being obvious over any of Stelle, Burger, or JP '692 in view of Butler. None of the cited references, alone or in combination, teach plural compartments each having an immobilization device as recited in claim 17.

Claims 17-20 have been rejected as being obvious over any of Stelle, Burger, or JP '692 in view of Butler and Taylor. None of the cited references, alone or in combination, teach plural compartments each having an immobilization device as recited in claim 17.

At the personal interview, applicant's representative discussed a container with a plurality of compartments each having an immobilization device, as recited in claim 17. The examiner agreed that such a device was different from the cited references, but he argued that there was no support in the specification for such a plurality of compartments with each compartment having

an immobilization device. Applicant herein provides the requested support.

Claim 1 of the originally filed application recites an immobilization device. Further, claim 15 of the originally filed application recites a compartment having the immobilization device of claim 1. Finally, claim 16 of the originally filed application recites a container having a plurality of the compartments of claim 15. Accordingly, the originally filed claim 16, through the incorporation of the elements of claims 15 and 1, recites a container having a plurality of compartments with each compartment having an immobilization device, and hence amended claim 17 is supported by the specification's originally filed claims. Applicant's representative notes that it is well established law that claims are part of the specification and can be self-enabling.

Furthermore, the specification has further support for the embodiment of claim 17. For example, on page 5, at lines 6-7, the specification states that a container usually has "...a plurality of compartments with their immobilization devices...". Under the ordinary meaning of these words, one would understand that "their immobilization devices" means that some number of compartments greater than one each has an immobilization device, thus supporting the claim language. Further, the specification, read as a whole, supports the teaching that a compartment has an immobilization device to secure any inserted fuel assemblies, because at least one purpose of the compartment is to receive and secure fuel assemblies (see Background).

Consequently, it is clear that the embodiment of amended claim 17 is supported and enabled by the originally filed specification, and because the prior art does not suggest any such plurality of compartments, claim 17 is patentable over the references.

In addition, the examiner agreed that the amended claim 29, by reciting a "container" rather than a "transport device", overcomes the cited references and hence is patentable over those references.

New claim 37 recites a compartment having an immobilization device wherein the compartment defines an interior space "having a cross-section corresponding to the cross-section of said fuel assembly." The limitation is supported by the specification on page 5, lines 5-14.

New claims 38 and 39 rely on claim 37, and thus are patentable for at least the same reason as claim 37.

New claim 40 recites a container for use for "transporting nuclear fuel assemblies for use

in nuclear power stations comprising a compartment for receiving and securing during said transport a long length nuclear fuel assembly” with the compartment having an immobilization device. None of the cited references suggest a compartment for use for transporting nuclear fuel assemblies as recited in the claim. Accordingly, new claim 40 is patentable over the references.

New claims 41, 42 and 43 rely on claim 40, and thus are patentable for at least the same reason as claim 40.

New claim 44 recites a compartment with an immobilization device wherein the compartment is for receiving and securing a “single long length nuclear fuel assembly”. The cited references do not suggest such a compartment with the given immobilization device for securing a *single* fuel assembly, and thus claim 43 is patentable over the references.

New claims 45, 46, and 47 rely on claim 44, and thus are patentable for at least the same reason as claim 44.

Finally, New claim 48 recites a plurality of compartments for receiving fuel assemblies with one compartment having an immobilization device. The references do not suggest any plurality of compartments, and hence claim 48, along with dependent claim 49, are patentable over the references.

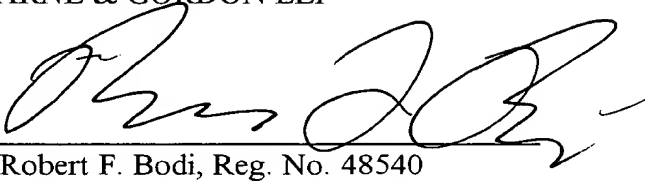
For the reasons set forth above, it is believed that the claims define over the cited art. All objections and rejections from the Office have now been addressed and a notice of allowance is respectfully requested.

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Respectfully submitted,

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